



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, APRIL 16, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Malone)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) & CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8

Property: 700 Jarvis Drive

Negotiating Parties:

For City: City Manager

For Property Owners: William Schwerm, Broker

Closed Session Topic/Under Negotiation: Price and Terms of Payment

3.

CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) & CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54946.9(c)

Property: APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)

Negotiating Parties:

For City: City Manager; Public Works Director; City Attorney; Gale Conner, special counsel

For Property Owners: Costa Family Partners

Closed Session Topic/Under Negotiation: Potential Litigation & Price and Terms of Payment

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)

Case Name: Santa Clara Valley Audubon Society v. City of Morgan Hill

Case No.: Santa Clara County Superior Court, No. CV 815655

Attendees: City Council, City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Council Member Tate

COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Finance & Audit Committee Quarterly Report
City Treasurer Roorda

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-20

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

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1. **MARCH 2003 FINANCE & INVESTMENT REPORT** **1**
Recommended Action(s): Accept and File Report.

2. **RESCHEDULING OF APRIL 2003 GENERAL PLAN AMENDMENT REQUESTS** 27
Recommended Action(s): Adopt a Minute Action to Reschedule the April General Plan Review to July 2003.
3. **DESIGNATION OF VOTING DELEGATE FOR SPECIAL MEETING (MAY 15TH) OF THE LEAGUE OF CALIFORNIA CITIES GENERAL ASSEMBLY** 29
(NOTE: This item needs to be pulled from the Consent Calendar for Council Discussion, Appointment, and Direction)
Recommended Action(s):
 1. Appoint a Council Member Voting Delegate and an Alternate to the League of California Cities General Assembly Special Meeting of May 15, 2003; and
 2. Direct the City Clerk to Execute and Return the Voting Delegate Form to the League's Office.
4. **TECHNICAL REVISION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FY2003-2004)** 35
Recommended Action(s):
 1. Amend and Adopt Resolution No. 5661, Amended for the Allocation of Fiscal Year 2003-2004 Federal CDBG Funds; and
 2. Authorize the City Manager to do Everything Necessary for the Implementation of the CDBG Program, Including Processing Any Amendments and Execution of All Required Contracts.
5. **AGREEMENT WITH THE LAW FIRM OF HATCH AND PARENT** 39
Recommended Action(s): Authorize the City Manager to Execute an Agreement with the Law Firm of Hatch & Parent.
6. **EMPLOYMENT AGREEMENTS WITH CITY MANAGER AND CITY ATTORNEY** 49
Recommended Action(s): Approve Amendments to the Employment Agreements for the City Manager and City Attorney to Defer Salary Adjustments.
7. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR WEST MIDDLE-ROCHA** 55
Recommended Action(s):
 1. Adopt Resolution No. 5664, Accepting the Public Improvements for West Middle-Rocha; and
 2. Direct the City Clerk to File a Notice of Completion with the County Recorder's Office.
8. **APPROVE THE FINAL MAP FOR CENTRAL PARK PHASE VI (TRACT 9475)** 61
Recommended Action(s): Authorize the Recordation of the Map, Following Recordation of the Development Improvement Agreement.
9. **AWARD OF CONTRACT FOR CONSTRUCTION OF BUTTERFIELD BOULEVARD SEWER TRUNK PROJECT** 65
Recommended Action(s): Award Contract to California Trenchless, Inc. for the Construction of the Butterfield Boulevard Sewer Trunk Project in the Amount of \$291,882.00.
10. **FINAL MAP ACCEPTANCE FOR MONTE VISTA PHASE III (TRACT 9478)** 69
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement, and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.

11.	<u>ACCEPTANCE OF CONSTRUCTION OF THE WARREN/HALE/NOB HILL TERRACE STREET IMPROVEMENT PROJECT</u>	81
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the Construction of the Warren/Hale/Nob Hill Terrace Street Improvement Project in the Final Amount of \$625,281.00; and	
	2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
12.	<u>UPDATE ON DEVELOPMENT PROCESSING SERVICES STUDY IMPLEMENTATION</u>	85
	<u>Recommended Action(s):</u>	
	1. <u>Accept Report</u> on the Implementation of Development Processing Service Recommendations; and	
	2. <u>Direct</u> Staff to Report Back on Implementation Status in October 2003.	
13.	<u>COUNTYWIDE AB 939 IMPLEMENTATION FEE</u>	97
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Provide Comments to the County.	
14.	<u>ANNUAL REPORT ON ADVANCED LIFE SUPPORT SERVICES AND RENEWAL OF CONTRACT</u>	105
	<u>Recommended Action(s):</u> <u>Accept</u> Report from Santa Clara County Fire Department for Advanced Life Support (ALS) Services From April 1, 2002 to February 28, 2003; Thereby Renewing ALS Services for Fiscal Year 2003-2004.	
15.	<u>ADOPT ORDINANCE NO. 1612, NEW SERIES</u>	109
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1612, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL REPEALING CHAPTER 15.44 (Fire Prevention Code) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL, AND ADOPTING CHAPTER 15.44 (Fire Prevention Code) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL, THEREBY ADOPTING BY REFERENCE AS THE FIRE CODE OF THE CITY OF MORGAN HILL THE TEXT OF THE 2001 CALIFORNIA FIRE CODE, AND THE 2000 EDITION OF THE UNIFORM FIRE CODE AS PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION, INCLUDING APPENDICES I-C, II-A, II-B, II-C, II-D, II-I, II-J, III-A, III-B, III-C, III-D, IV-A, V-A, VI-A, VI-B, VI-C AND VI-J, AS AMENDED BY THE STATE OF CALIFORNIA, EXCEPT SUCH PORTIONS AS ARE HEREINAFTER DELETED, MODIFIED OR AMENDED REGARDING FIRE PREVENTION AND TOXIC GASES.	
16.	<u>ADOPT ORDINANCE NO. 1613, NEW SERIES</u>	159
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1612, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DELETING CHAPTER 2.48 (Personnel Commission) OF TITLE 2 (Administration and Personnel) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING THE PERSONNEL COMMISSION.	
17.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 26, 2003 REGARDING ABAG-MTC MERGER</u>	163
18.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 26, 2003 REGARDING CHANNEL LINEUP CHANGE</u>	167
19.	<u>APPROVE SPECIAL CITY COUNCIL CLOSED SESSION MEETING MINUTES OF MARCH 27, 2003</u>	169

20.	<u>APPROVE SPECIAL CITY COUNCIL COURTHOUSE WORKSHOP MEETING MINUTES OF MARCH 27, 2003</u>	171
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Redevelopment Agency Action

CONSENT CALENDAR:

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Consent Calendar: 1 - 10 Minutes	

21.	<u>TRAIN DEPOT BUILDING RENTAL</u>	179
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Negotiate a Rental Agreement for the City's Train Depot Building with Brett and Lynn Susidko, dba Café Y'a Bon An Espresso Bar, LLC.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 22-23

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22.	<u>APPROVE SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 26, 2003</u>	183
23.	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 2, 2003</u>	193

City Council Action

PUBLIC HEARINGS:

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24.	10 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-09: LLAGAS-DELCO AND DAA 00-10: HALE-DELCO</u>	225
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1614, New Series for Development Agreement Amendment, DAA-00-09: Llagas-Delco.	
		Action- <u>Motion to Introduce</u> Ordinance No. 1614, New Series by Title Only. (Roll Call Vote)	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1615, New Series for Development Agreement Amendment, DAA-00-10: Hale-Delco.	
		Action- <u>Motion to Introduce</u> Ordinance No. 1615, New Series by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
25.	30 Minutes	<u>AQUATICS COMPLEX OPERATING MODEL</u>	243
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> Report from Sub-Committee on Model for Operation and Maintenance Based on First Year of Operation;	
		2. <u>Approve</u> Sub-Committee's Recommendation to Negotiate a Partnership Operating Model Between the Aquatic Foundation, Inc. and the City for the Off-Season Period;	
		3. <u>Direct</u> Staff to Include the Start-Up Costs for the Aquatics Complex in the 2003-2004 Fiscal Year Budget; and	
		4. <u>Direct</u> Staff to Begin Recruitment for an Aquatics Manager.	
26.	15 Minutes	<u>MORGAN HILL AQUATICS COMPLEX POOL BID PACKAGE AND REQUEST FOR BID AUTHORIZATION</u>	253
		<u>Recommended Action(s):</u> <u>Authorize</u> Staff to Proceed with the Bidding for the Aquatics Complex Pools and Rough Grading.	
27.	15 Minutes	<u>CONTINUED DISCUSSION OF SCHEDULING WORKSHOPS FOR IDENTIFIED TOPICS/COMMISSION INTERVIEWS</u>	265
		<u>Recommended Action(s):</u> <u>Select Dates</u> to Conduct	
		1. City Council Workshops; and	
		2. Commission Interviews.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

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28.	10 Minutes	<u>INVESTMENT POLICY UPDATE</u>	273
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the City; and	
		2. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the Redevelopment Agency.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT